

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA MONROE  
DIVISION

AARON LARRY BOWMAN

\* CIVIL ACTION

VERSUS

\* DOCKET NO. 3:20-cv-01372

OUACHITA PARISH SHERIFF'S  
OFFICE, ET AL.

\* JUDGE TERRY A. DOUGHTY

\* MAGISTRATE JUDGE KAREN L. HAYES

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**FIRST AMENDMENT TO THE COMPLAINT TO ADD/JOIN DEFENDANTS AND  
VOLUNTARY DISMISSAL OF DEFENDANT WITH DEMAND FOR JURY TRIAL  
(UNOPPOSED)**

TO THE HONORABLE COURT, THE JUDGES OF THE UNITED STATES DISTRICT  
COURT, IN AND FOR THE WESTERN DISTRICT OF LOUISIANA, MONROE DIVISION:

NOW INTO COURT, through undersigned counsel(s), comes, Plaintiff, AARON LARRY  
BOWMAN, pursuant to Federal Rules of Civil Procedure 4(j)(2)(B), 15(2), Fed. Rule 20, and  
Local Rules 7.4.1 and 7.6, respectfully amends his petition with written consent from opposing  
parties, and as grounds therefore avers as follows:

1. The original complaint as set forth in paragraph 1-50, including unnumbered paragraphs beginning "Wherefore, Petitioner" are restated and re-averred if recited full herein.
2. The original complaint as set forth in paragraph 1-50, including unnumbered paragraphs beginning "Wherefore, Petitioner" are restated and re-averred if recited full herein against the joined and additional defendants so named: Add XYZ defendants for insurance.
3. Plaintiff's Petition for Damages for Police Misconduct and Excessive force in the Ouachita Parish Fourth Judicial District Court was filed on September 21, 2020.

4. Defendant's Proposed Removal Order was granted on October 26, 2020.

#### JURISDICTION AND VENUE

5. The United States District Court has jurisdiction over the subject matter of this complaint under 42 U.S.C. 1983 and 28 U.S.C. 1331, 1343(a)(3), and 1367(a).
6. The Western District of Louisiana is the appropriate venue to bring this complaint, because the facts that give rise to Plaintiff's claims all took place within the Western District of Louisiana.

#### PARTIES

7. Plaintiff, Aaron Larry Bowman, is a black, male citizen of the United States of America, and a major resident and domiciliary of the Parish of Ouachita, State of Louisiana.
8. Defendant, the Louisiana Department of Public Safety & Corrections (Office of State Police) ("DPSC") was incorrectly identified, being named and referred to as "Louisiana State Police Department" in Plaintiff's original Petition for Damages for Police Misconduct and Excessive Force); however, ("DPSC") should be correctly named as a Defendant in the instant Amended Complaint.
9. Defendant, the University of Louisiana System Board of Supervisors was incorrectly identified, being named and referred to as "University of Louisiana at Monroe Police Department" in Plaintiff's original Petition for Damages for Police Misconduct and Excessive Force); however, the University of Louisiana System Board of Supervisors should be correctly named as a Defendant in the instant Amended Complaint.
10. Joined and additional Defendant is JOHN DOE #1, who was at all relevant times to this complaint an officer in the Louisiana Department of Public Safety & Corrections, is a

person of full age and of majority, domiciled in Ouachita Parish. S/he is sued in his individual capacity.

11. Joined and additional Defendant is JOHN DOE #2, who was at all relevant times to this complaint an officer in the University of Louisiana System Board of Supervisors, is a person of full age and of majority, domiciled in Ouachita Parish. S/he is sued in his individual capacity.

12. Joined and additional Defendant is JOHN DOE #3, who was at all relevant times to this complaint an officer in the Metro Narcotics Unit, is a person of full age and of majority, domiciled in Ouachita Parish. S/he is sued in his individual capacity.

13. Joined and additional Defendant is JOHN DOE #4, who was at all relevant times to this complaint an officer in the Ouachita Parish Sheriff's Office, is a person of full age and of majority, domiciled in Ouachita Parish. S/he is sued in his individual capacity.

14. Joined and additional Defendant is JOHN DOE #5, who was at all relevant times to this complaint an officer in the Monroe Police Department, is a person of full age and of majority, domiciled in Ouachita Parish. S/he is sued in his individual capacity.

15. Joined and additional Defendant is ABC INSURANCE COMPANY, an insurance company authorized to do, and doing business in the State of Louisiana providing general liability coverage for Sheriff Jay Russell, Deputy Donovan Ginn, and John Doe #4.

16. Joined and additional Defendant is ABC INSURANCE COMPANY, an insurance company authorized to do, and doing business in the State of Louisiana providing general liability coverage for Louisiana Department of Public Safety & Corrections, its agents, and John Doe #1.

17. Joined and additional Defendant is ABC INSURANCE COMPANY, an insurance company authorized to do, and doing business in the State of Louisiana providing general liability coverage for the University of Louisiana System Board of Supervisors , its agents, and John Doe #2.
18. Joined and additional Defendant is ABC INSURANCE COMPANY, an insurance company authorized to do, and doing business in the State of Louisiana providing general liability coverage for John Doe #3, an officer employed by Metro Narcotics Unit.
19. Joined and additional Defendant is ABC INSURANCE COMPANY, an insurance company authorized to do, and doing business in the State of Louisiana providing general liability coverage for Monroe Police Department, its agents, and John Doe #5.
20. Joined and additional Defendant is ABC INSURANCE COMPANY, an insurance company authorized to do, and doing business in the State of Louisiana providing EXCESS liability coverage to the City of Monroe, Louisiana.
21. At all times to this Complaint, all Defendants acted under the color of state law.

VOLUNTARY DISMISSAL OF ACTIONS AGAINST

22. Plaintiff hereby voluntarily dismisses only Ouachita Parish Sheriff's Office and Metro Narcotics Unit from this entire case.
23. Such dismissal shall be without prejudice, with each side to bear its own costs and fees.

CAUSES OF ACTION

24. In addition to the facts and causes of actions stated within the original complaint as set forth in paragraph 1-50, including unnumbered paragraphs beginning "Wherefore, Petitioner" are restated and re-averred if recited full herein.

25. Sheriff Jay Russell is and was at the time of the incidents in command of Deputy Donovan Ginn and any/all of sheriff deputies on site and involved in the beating of Plaintiff causing him to sustain multiple lacerations; including, a cut to the top of his head, a fractured arm, and broken ribs amongst other ailments.
26. At the time of filing of the original Petition for Damages for Police Misconduct and Excessive force in the Ouachita Parish Fourth Judicial District Court, Plaintiff was not certain as to the full quantification of officers involved and apart of the Department's Special Crimes Apprehension Team ("S.C.A.T. TEAM"), which is believed to be comprised of approximately 10 specially trained deputies and other trained officers, including but not limited to: Ouachita Parish Sheriff's Department, Monroe Police Department, Department of Public Safety & Corrections, University of Louisiana at Monroe Police Department, and the Metro Narcotics Unit.
27. The Original Complaint is amended to specifically state a cause of action to include John Doe #1-5 and Deputy Ginn as being involved in the beating of Plaintiff as all of which were involved in the unreasonable and unnecessary force used in beating Plaintiff. At the time of the original filing of the Complaint, Plaintiff could not recall the exact number of Defendants involved.

#### PROCESS AND/OR SERVICE OF PROCESS

28. As a result, Plaintiff was forced to name the Defendants as best as he could reasonably recall in the filed Petition on September 21, 2020. Further, the Supreme Court of Louisiana's and the emergency declared statewide declaration by Louisiana Governor John Bel Edwards' Order whereby an emergency suspension of prescription and preemption applies allowed for the late filing of the Original Complaint. Further, filing being based on

Act VI. Section 5828 and CC Article 3472.1 to extend on behalf of the extension of prescription and preemption during 2020 Covid-19 Public Health Emergency.

29. Plaintiff was unable to properly serve Defendants' chief executive officers or provide service in accordance with state law by serving the Defendants' secretary of agencies/registered agents in accordance with Fed.R.Civ.P. 4(j)(2)(B), due to the one-day time delay for which Plaintiff was allowed to file the Original Complaint as the Undersigned was retained on Friday, September 18, 2020.
30. The Undersigned has received written consent from all opposing counsel to accept service of Exhibit B (video footage) electronically. To date, all are in receipt of Exhibit B.
31. Plaintiff herein amends the original Petition to include this information and is willing and capable of expeditiously proceeding to provide hardcopies of the original Petition and corresponding exhibits, if this Honorable Court deems necessary at this time.

#### DAMAGES

32. Mr. Bowman prays for relief and that he be awarded damages, loss wages and benefits, loss of future wages and benefits, costs of these proceedings, reasonable attorney fees and all other legal and equitable relief to which Plaintiff is entitled and all other relief that is just and proper.

#### DEMAND FOR A JURY TRIAL

Mr. Bowman demands a jury trial for all issues triable by jury.

Respectfully submitted,

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*Attorneys for Aaron Larry Bowman*

### **CERTIFICATE OF SERVICE**

I, Donecia Banks-Miley, certify that a copy of the above and foregoing First Amended Complaint to add/join Defendants, Voluntary Dismissal of Ouachita Parish Sheriff's Department & Metro Narcotics Unit, and demand for jury trial on behalf of Aaron Larry Bowman has been filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be forwarded to all counsel by operation of the Court's electronic filing system, via USPS mailing and via email.

/s/ Donecia Banks-Miley  
Attorney Donecia Banks-Miley, #35641

